

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky      January 16, 2014

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on January 16, 2014 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the council: Council Members Farmer, Ford, Gorton, Henson, Kay, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke and Ellinger. Absent was Council Member Lane.

The reading of the Minutes of the previous meetings was waived.

Resolutions No. 656-2013 through 717-2013, and Ordinances No. 155-2013 through 162-2013, inclusive, were reported as having been signed and published, and ordered to record.

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky January 16, 2014

The Mayor left the meeting at 6:05 p.m. and Vice-Mayor Gorton assumed the Chair.

\* \* \*  
A moment of silence was observed in lieu of an invocation.

\* \* \*  
Ms. Gorton asked Ms. Marie Armbruster to join her at the podium. Ms. Armbruster was presented with a Henry Clay Ambassadorship. She is a senior at Lafayette High School and a Student Facilitator for the Bluegrass Youth Sustainability Council. Ms. Armbruster was honored for contributions in the area of sustainability and waste reduction. She recently worked with the Bluegrass Youth Sustainability Council to put refillable water bottle stations in each of Lexington's high schools. She was also chosen to serve on Keep America Beautiful's second national Youth Advisory Council. Ms. Armbruster thanked everyone who had worked on the projects with her.

\* \* \*  
Upon motion of Mr. Kay, seconded by Mr. Myers, the Minutes of the December 5 and 10, 2013 Council Meetings were approved by unanimous vote.

\* \* \*  
The following ordinances were given second reading. Upon motion of Mr. Farmer, seconded by Mr. Myers, the ordinances were approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
Akers, Beard, Clarke, Ellinger -----14

Nay: -----0

An Ordinance changing the zone from an Agricultural Urban (A-U), Neighborhood Business (B-1), and Planned Shopping Center (B-6p) zone with conditional zoning restrictions, to an Agricultural Urban (A-U), Neighborhood Business (B-1), and Planned Shopping Center (B-6p) zone with modified conditional zoning restrictions, for 29.96 net (30.77 gross) acres, for property located at 760 and 789 Newtown Springs Dr., and 1443 and 1445 Newtown Center Way; (Urban County Planning Commission, Council District 1).

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 37.

An Ordinance adopting a Comprehensive Debt Management Policy for the Lexington-Fayette Urban County Government.

\* \* \*

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone, to a Neighborhood Business (B-1) zone for 0.8108 net (1.0549 gross) acres; and from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.7561 net (0.8127 gross) acres, for properties located at 1009 and 1017 Wellington Way (RTA Family Trust, Royce G. Pulliam, Trustee; Council District 10) was given first reading and ordered placed on file for public inspection until a public hearing to be held at a Special Council Meeting on February 11, 2014, at 5:00 p.m.

\* \* \*

The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance changing the zone from an Agricultural-Urban (A-U) zone to a Neighborhood Business (B-1) zone, for 2.79 net (5.05 gross) acres, for property located at 3939 Tates Creek Rd. (Greer Lance Co.-Smyrna # 2, LLC - Council District 4).

An Ordinance changing the zone from an Agricultural-Urban (A-U) zone, to a Planned Neighborhood Residential (R-3) zone, for 3.57 net (3.57 gross) acres; and from an Agricultural Urban (A-U) zone to a Professional Office (P-1) zone, for 1.47 net (1.77 gross) acres, for property located at 3581 Harrodsburg Rd. (Dr. Andrew Schroyer, D.V.M.-Council District 10).

An Ordinance amending Section 18A-11 of the Code of Ordinances to change the annual fee for a taxicab driver's permit from twenty dollars (\$20.00) per year to twenty-five dollars (\$25.00) per year, effective upon passage.

An Ordinance amending Sections 21-5(2) of the Code of Ordinances, abolishing two (2) positions of Electronics/Computer Controls Specialist, Grade 113N, one (1) position of Engineering Technician Sr., Grade 113E, one (1) position of Associate Engineering Technician Principal; and creating one (1) position of Program Specialist, Grade 112E, one (1) position of Microcomputer Support Specialist, Grade 113N, and

two (2) positions of Electrician, Grade 114N, all in the Div. of Water Quality, appropriating funds pursuant to Schedule No. 39, effective upon passage of Council.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 38.

\* \* \*

A Resolution accepting the bid of JRJ Contracting, LLC, in the amount of \$49,000, for Shillito Sports Field Irrigation, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with JRJ Contracting, LLC, related to the bid was given first reading.

Upon motion of Mr. Farmer, seconded by Mr. Myers, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
Akers, Beard, Clarke, Ellinger -----14

Nay: -----0

\* \* \*

A Resolution accepting the bid of Free Contracting, Inc., in the amount of \$2,346,342.10, for the Bob-O-Link Trunk Sewer Replacement Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with Free Contracting, Inc., related to the bid was on the docket for first reading.

Mr. Myers asked questions regarding the timeline of the Bob-O-Link Trunk Sewer Replacement Project. Mr. Todd Slatin, Director of the Div. of Purchasing, deferred to Mr. Charles Martin, Acting Commissioner, Dept. of Environmental Quality and Public Works, who responded that the project could move ahead on time if the weather allows it.

The resolution was given first reading. Upon motion of Mr. Myers, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
Akers, Beard, Clarke, Ellinger -----14

Nay: -----0

\* \* \*

A Resolution accepting the bid of Schroeder Construction, Inc., in the amount of \$1,196,338, for the Expansion Area 2A Wastewater System Improvements Contract 3 - Gravity Sewer Construction, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Schroeder Construction, Inc., related to the bid was given first reading.

Upon motion of Mr. Farmer, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
Akers, Beard, Clarke, Ellinger -----14

Nay: -----0

\* \* \*

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointment: Jeffery Allen, Public Service Worker, Grade 106N, \$11.775 hourly, Willis Barnett, Public Service Worker Sr., Grade 107N, \$11.845 hourly, Ronnie Searight, Public Service Worker Sr., Grade 107N, \$11.845 hourly, all in the Div. of Water Quality, effective upon passage of Council; Michael Cook, Property and Evidence Technician, Grade 111N, \$21.751 hourly, Sherry Sever, Information Systems Specialist Sr., Grade 114E, \$1,994.08 biweekly, both effective upon passage of Council, Rebecca Gooch, Information Systems Specialist Sr., Grade 114E, \$1,694.56 biweekly, effective January 27, 2014, Michael Souder, Evidence Technician, Grade 112N, \$18.659 hourly, effective January 27, 2014, all in the Div. of Police; Justin Blanton, Public Service Worker Sr., Grade 107N, \$11.845 hourly, Frank Parnass, Public Service Worker Sr., Grade 107N, \$13.279 hourly, John Scott, Trades Worker Sr., Grade 109N, \$16.110 hourly, Randall Wilson, Public Service Worker Sr.,

Grade 107N, \$12.083 hourly, all in the Div. of Streets and Roads, effective upon passage of Council; Rodriquez Lyvers, Equipment Operator Sr., Grade 109N, \$13.025 hourly, Vladimir Maydanovich, Equipment Operator Sr., Grade 109N, \$13.025 hourly, both in the Div. of Waste Management, effective upon passage of Council; William Hamilton, Trades Worker, Grade 107N, \$12.299 hourly, effective upon passage of Council, Benjamin Rasor, Information Systems Specialist, Grade 111N, \$18.174 hourly, effective January 20, 2014, both in the Div. of Parks and Recreation, Laray Cole, Child Care Program Aide, Grade 107N, \$16.391 hourly in the Div. of Family Services, effective upon passage of Council, Stephanie Wright, Personal Protective Equipment Manager, Grade 114N, \$25.559 hourly in the Div. of Fire and Emergency Services, effective upon passage of Council, Van Cornett, Skilled Trades Worker, Grade 111N, \$15.818 hourly in the Div. of Community Corrections, effective January 27, 2014 was on the docket for first reading.

Upon motion of Mr. Clarke, seconded by Mr. Ford, and approved by unanimous vote, the resolution was amended to delete the conditional offer to the following Probationary Civil Service Appointment of Sherry Sever as Information Systems Specialist, Sr.

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointment: Jeffery Allen, Public Service Worker, Grade 106N, \$11.775 hourly, Willis Barnett, Public Service Worker Sr., Grade 107N, \$11.845 hourly, Ronnie Searight, Public Service Worker Sr., Grade 107N, \$11.845 hourly, all in the Div. of Water Quality, effective upon passage of Council; Michael Cook, Property and Evidence Technician, Grade 111N, \$21.751 hourly, effective upon passage of Council, Rebecca Gooch, Information Systems Specialist Sr., Grade 114E, \$1,694.56 biweekly, effective January 27, 2014, Michael Souder, Evidence Technician, Grade 112N, \$18.659 hourly, effective January 27, 2014, all in the Div. of Police; Justin Blanton, Public Service Worker Sr., Grade 107N, \$11.845 hourly, Frank Parnass, Public Service Worker Sr., Grade 107N, \$13.279 hourly, John Scott, Trades Worker Sr., Grade 109N, \$16.110 hourly, Randall Wilson, Public Service Worker Sr., Grade 107N, \$12.083 hourly, all in the Div. of Streets and Roads, effective upon passage of Council; Rodriquez Lyvers, Equipment Operator Sr., Grade 109N, \$13.025

hourly, Vladimir Maydanovich, Equipment Operator Sr., Grade 109N, \$13.025 hourly, both in the Div. of Waste Management, effective upon passage of Council; William Hamilton, Trades Worker, Grade 107N, \$12.299 hourly, effective upon passage of Council, Benjamin Rasor, Information Systems Specialist, Grade 111N, \$18.174 hourly, effective January 20, 2014, both in the Div. of Parks and Recreation, Laray Cole, Child Care Program Aide, Grade 107N, \$16.391 hourly in the Div. of Family Services, effective upon passage of Council, Stephanie Wright, Personal Protective Equipment Manager, Grade 114N, \$25.559 hourly in the Div. of Fire and Emergency Services, effective upon passage of Council, Van Cornett, Skilled Trades Worker, Grade 111N, \$15.818 hourly in the Div. of Community Corrections, effective January 27, 2014 was given first reading as amended.

Upon motion of Ms. Henson, seconded by Mr. Farmer, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
 Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
 Akers, Beard, Clarke, Ellinger -----14

Nay: -----0

\* \* \*

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Neighborhood Action Match Grant Program Contracts with Ashland Neighborhood Association (\$2,304), Aylesford Place Association, Inc. (\$2,257), Dove Creek Townhome Owner's Association (\$7,000), Gratz Park Neighborhood Association (\$7,000), Headley Green Homeowners Association (\$7,500), Masterson Station Neighborhood Association, Inc. (\$7,579), Northside Neighborhood Association (\$7,000), Pinnacle Homeowners Association, Inc. (\$7,000), Radcliffe-Marlboro Neighborhood Association (\$7,375), Stonewall Equestrian Estates Association, Inc. (\$7,000), and WGPL Neighborhood Association (\$2,973) for carrying out various neighborhood activities and improvements, at a cost not to exceed \$64,988 was on the docket for first reading.

Upon motion of Ms. Henson, seconded by Ms. Lawless, and approved by unanimous vote, the resolution was amended to remove the allocation to the Headley Green Homeowners Association in the amount of \$7,500.00.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Neighborhood Action Match Grant Program Contracts with Ashland Neighborhood Association (\$2,304), Aylesford Place Association, Inc. (\$2,257), Dove Creek Townhome Owner's Association (\$7,000), Gratz Park Neighborhood Association (\$7,000), Masterson Station Neighborhood Association, Inc. (\$7,579), Northside Neighborhood Association (\$7,000), Pinnacle Homeowners Association, Inc. (\$7,000), Radcliffe-Marlboro Neighborhood Association (\$7,375), Stonewall Equestrian Estates Association, Inc. (\$7,000), and WGPL Neighborhood Association (\$2,973) for carrying out various neighborhood activities and improvements, at a cost not to exceed \$64,988 was given first reading as amended.

Upon motion of Ms. Akers, seconded by Ms. Lawless, the rules were suspended by majority vote. (Ms. Mossotti recused herself when the vote was taken)

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
Lawless, Myers, Scutchfield, Stinnett, Akers,  
Beard, Clarke, Ellinger -----13

Nay: -----0  
(Ms. Mossotti recused herself when the vote was taken)

\* \* \*

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute rural and inner city Adopt-A-Spot Program Agreements with Christ United Methodist Church, (\$1,304.12); Bluegrass Chapter Order of Demolay (\$1,332.32); Paul Lawrence Dunbar Cross Country (\$1,103.60); Christ Centered Church, BSA #59 (\$1,567.20); Bryan Station High School Wrestling & Boys Soccer (\$1,265.40); Immanuel Baptist Church, BSA #41 (\$1,231.68); BSA Troop #98 (\$1,157.40); Beaumont Presbyterian, BSA #279 (\$1,038.28); Christian Youth Fellowship (\$1,942.48); Phillips Memorial Church (\$2,191.56); Greater Faith Apostolic Church (\$523.00); First United Methodist Church, BSA Troop #1789 (\$772.00); Boy Scout Troop #103 (\$400.00); El Shaddai Temple House of Yahweh (\$1,992.32); Boy Scout

Troop #186 (\$360.00); El Shaddai Temple House of Yahweh (\$448.28); Tates Creek Presbyterian Church, BSA #226 (\$921.44); Disney Store Team and BSA #1789 (\$636.12); Lexington Swingers Golf Club Inc. (\$1,616.00); JRC Crew 728 (\$1,023.13); El Shaddai Temple House of Yahweh (\$1,472.00); and JRC Crew 728 (\$1,980.00) for participation in the Adopt-A-Spot Roadway Cleanup Program, at a cost not to exceed \$26,278.33 was given first reading.

Upon motion of Ms. Akers, seconded by Ms. Lawless, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
 Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
 Akers, Beard, Clarke, Ellinger -----14

Nay: -----0

\* \* \*

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Environmental Protection Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$200,000 Federal funds, and are for remediation of environmental concerns at the Fayette County Courthouse was given first reading.

Upon motion of Mr. Stinnett, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
 Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
 Akers, Beard, Clarke, Ellinger -----14

Nay: -----0

\* \* \*

A Resolution accepting the response of EOP Architects, PSC, to RFP No. 28-2013 - Design Services for Replacement Senior Citizens Center, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with EOP Architects, PSC, to provide services related to the RFP, at a cost estimated not to exceed \$158,965 for Phase A, for the Dept. of General Services was given first reading.

Upon motion of Mr. Farmer, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
Akers, Beard, Clarke, Ellinger -----14

Nay: -----0  
\* \* \*

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Corrisoft, LLC, for electronic monitoring services and equipment, for the Div. of Community Corrections, at a cost not to exceed \$25,000 for FY2014 was given first reading.

Upon motion of Ms. Henson, seconded by Mr. Farmer, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
Akers, Beard, Clarke, Ellinger -----14

Nay: -----0  
\* \* \*

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute agreements with Windham Meadows HOA, Inc. (\$500), the Plantation Neighborhood Association, Inc. (\$500), and Women in Worship of Lexington c/o The House of God, Inc. (\$675), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

Upon motion of Ms. Akers, seconded by Ms. Lawless, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Ms. Henson, seconded by Mr. Clarke, the resolution was approved by the following vote:

Aye: Farmer, Ford, Gorton, Henson, Kay,  
Lawless, Mossotti, Myers, Scutchfield, Stinnett,  
Akers, Beard, Clarke, Ellinger -----14

Nay: -----0  
\* \* \*

The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Southeast Aerospace, Inc., in the amount of \$44,000, for Radio for Police Helicopter for the Div. of Police.

A Resolution accepting the bid of Radio Communications Systems, Inc. d/b/a RCS Communications, establishing a price contract for an Emergency Vehicle Lighting and Siren System, for the Div. of Police.

A Resolution ratifying the Probationary Civil Service Appointments of: Roy Compston, Community Corrections Sergeant, Grade 112N, \$23.579 hourly, Steven Ferguson, Community Corrections Captain, Grade 115E, \$2,522.58 biweekly, Richard Frans, Community Corrections Sergeant, Grade 112N, \$23.579 hourly, Shaun Hubbard, Community Corrections Lieutenant, Grade 114E, \$2,143.20 biweekly, all in the Div. of Community Corrections, effective December 30, 2013; Jodey Evans, Breathing Apparatus Manager, Grade 114E, \$2,100.72 biweekly, in the Div. of Fire and Emergency Services, effective January 27, 2014, Mark Mabson, Public Service Supervisor Sr., Grade 114E, \$1,935.84 biweekly, Ronald Warner, Public Service Supervisor Sr., Grade 114E, \$1,756.40 biweekly, both in the Div. of Waste Management, effective December 2, 2013; Susan Plueger, Director of Environmental Policy, Grade 122E, \$3,357.84 biweekly, in the Div. of Environmental Policy, effective January 27, 2014; Elisabeth Strong, Early Child Care Teacher, Grade 110E, \$1,105.20 biweekly, in the Div. of Family Services, effective January 6, 2014; Nelson Wright, Skilled Trades Worker Sr., Grade 112N, \$22.317 hourly, in the Div. of Parks and Recreation, effective January 27, 2014; ratifying the Permanent Civil Service Appointments of: Anthony Hawkins, Recreation Supervisor, Grade 110E, \$1,359.02 biweekly, effective December 15, 2013, O'Kescha Wilson, Staff Assistant Sr., Grade 108N, \$12.350 hourly, effective January 2, 2014, both in the Div. of Parks and Recreation, Garland Neal Martin, Trades Supervisor, Grade 113N, \$23.112 hourly, effective December 17, 2013, Robert Morgan, Vehicle & Equipment Mechanic Apprentice, Grade 107N, \$12.013 hourly, effective January 22, 2014, Robert Pulcini, Skilled Trades Worker, Grade 111N, \$15.508 hourly, effective December 3, 2013, James Ratliff, Skilled Trades Worker, Grade 111N, \$21.467 hourly, effective December

3, 2013, Frank White, Paint and Body Technician, Grade 111N, \$22.533 hourly, effective January 6, 2014, in the Div. of Facilities and Fleet Management, Amy Baker, Program Administrator, Grade 117E, \$2,268.96 biweekly, in the Dept. of Social Services, effective December 17, 2013, Beth Beldon, Human Resources Analyst, Grade 115E, \$1,727.04 biweekly, in the Div. of Human Resources, effective December 17, 2013, Laurie Jackson, Administrative Specialist, Grade 110N, \$17.674 hourly, in the Div. of Planning, effective January 1, 2014, Stephen Pracht, Deputy Council Clerk, Grade 116E, \$1,740.64 biweekly, in the Council Clerk's Office, effective January 1, 2014; ratifying the voluntary demotion of: James York, Telecommunicator Sr., Grade 111N, \$15.750 hourly, in the Div. of Police, effective December 30, 2013.

A Resolution amending Section 1 of Resolution No. 576-2013, adding Fidele Nsonguh Tibouo, Environmental Inspector, Grade 113N, \$16.843 hourly in the Div. of Water Quality, effective upon passage of Council, and amending Section 3 of Resolution No. 576-2013, removing Fidele Nsonguh Tibouo, Environmental Inspector, Grade 113N, \$16.843 hourly in the Div. of Water Quality, effective October 21, 2013.

A Resolution amending Section 2 of Resolution No. 318-2013, relating to the Second Renewal of the Engineering Services Agreement with Tetra Tech, Inc., to provide annual program management services for Consent Decree Implementation and MS4 Permit Compliance to change the accounting line from 4051-303204-71205 to 4052-303204-71205.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the Hazardous Devices Training Project through June 30, 2014, at no cost to the Urban County Government.

A Resolution authorizing the extension of the performance time for the Traffic Signal Timing Project for the FY 2014 ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project and authorizing the Mayor or his designee, on behalf of the Urban County Government, to execute any necessary Amendment to the Engineering Services Agreement or related document with URS Corporation related to the extension of time.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Lexington Center Corp., for use of the Opera House for Kiddie Kapers, at a cost not to exceed \$8,100.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Omnisource Integrated Supply, LLC, for inventory specialist services, at a cost not to exceed \$32,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to Waterford II Neighborhood Association, Inc., for Stormwater Quality Projects, at a cost not to exceed \$46,640.48.

A Resolution accepting the response of Brandstetter Carroll, Inc., to RFP No. 30-2013 - Phase A Design Services of the Replacement Fire Station #2, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Brandstetter Carroll, Inc., to provide services related to the RFP, at a cost not to exceed \$64,880, for the Dept. of General Services.

\* \* \*

Upon motion of Ms. Lawless, seconded by Ms. Akers, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. William E. Hughes and the reappointments of Mr. Frank Penn, and Mr. Thomas F. Rogers, IV to the Agricultural Extension District Board, with terms to expire 1/1/2017, 1/1/2016 and 1/1/2017 respectively. The term of Ms. Nancy Rawlings expired; (2) Recommending the reappointment of Mr. Timothy C. Brooks to the Arboretum Advisory Committee, with term to expire 1/1/2018; (3) Recommending the appointment of Ms. Mary E. Wright to the Downtown Development Authority Board of Directors, with term to expire 1/15/2018. Mr. Vitale Buford is no longer serving; (4) Recommending the appointments of Ms. Aimee B. Miller and Mr. Brent E. O'Neill to the Explorium of Lexington Board of Directors, with terms to expire 7/1/2016. Ms. Miller will fill the unexpired term of Ms. Sarah Razor. Mr. O'Neill will fill a vacancy; (5) Recommending the appointment of Ms. Theresa S. Parks and the reappointments of Mr. Michael Ades, and Ms. LeTonia A. Jones to the Human Rights Commission, with terms to expire 1/1/2018. The term of Ms. Tracy Dennis expired; (6) Recommending the reappointments of Mr. Jeff C. Binford,

Mr. John K. Bohart, Ms. Kimberly T. Brennen, Mr. Don M. Burke, Mr. David P. Kesling, Ms. Stephanie L. Nallia, and Ms. Marian M. Sims to the Library Board of Advisors, with terms to expire 1/1/2018, 1/1/2018, 1/1/2018, 1/1/2016, 1/1/2016, 1/1/2018, and 1/1/2016 respectively; (7) Recommending the reappointment of Mr. Abdul H. Muhammad, as Business Community representative, to the Lyric Theatre and Cultural Arts Center Board of Directors, with term to expire 12/8/2017; (8) Recommending the reappointment of Mr. Walter Gaffield, as At-Large representative, to the Neighborhood Action Match Program Review Board, with term to expire 12/31/2014; (9) Recommending the appointment of Council Member Jennifer Scutchfield to the Parks and Recreation Advisory Board, with term to expire 12/31/2014. Council Member Chris Ford is no longer serving; and (10) Recommending the reappointments of Mr. William J. Baggerman, as Trails representative, Ms. Kathleen Esser, as At-Large representative, and Mr. Ronan O'Carra, as Audubon Society representative, to the Raven Run Citizens Advisory Board, with terms to expire 1/13/2018.

\* \* \*

The following Communications from the Mayor were received for information only:

(1) Resignation of Darrell W. Blankenship, Fleet Operations Supervisor, Grade 115N, Div. of Facilities and Fleet Management, effective November 29, 2013; (2) Resignation of Tammy Boggs, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective December 11, 2013; (3) Resignation of Ashley Case, Human Resources Manager, Grade 119E, Div. of Human Resources, effective December 20, 2013; (4) Resignation of Christopher Cunningham, Computer Analyst, Grade 115E, Div. of Computer Services, effective December 27, 2013; (5) Resignation of Justin Fryman, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective January 2, 2014; (6) Resignation of Misha Gash, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective December 4, 2013; (7) Resignation of Jackie Newell Glass II, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective December 28, 2013; (8) Resignation of Sharon J. Hays, Administrative Specialist, Grade 110N, Dept. of General Services, effective January 8, 2014; (9) Resignation of John Michael Heeg, Telecommunicator Sr., Grade 113N, Div. of Police, effective December 8, 2013; (10) Resignation of Gregory W. Murray, Laborer I, Div. of Streets and Roads, effective December 5, 2013;

(11) Resignation of Jesse Neace, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective December 22, 2013; (12) Resignation of Rebecca Elizabeth Weems, Program Manager Sr., Grade 110N, Div. of Waste Management, effective December 3, 2013; (13) Resignation of Wilma F. Williams, Staff Assistant Sr., Grade 108N, Div. of Police, effective December 31, 2013; (14) Resignation of Brentley Wuest, Firefighter, Grade 311N, Div. of Fire and Emergency Services, effective December 1, 2013; (15) Reinstatement of Albert Beatty, Deputy Coroner, Grade 112N, \$16.728 hourly, Office of the Coroner, effective December 31, 2013; (16) Temporary appointment of Ester Moberly, Program Manager Sr., Grade 120E, \$2,166.88 biweekly, Div. of Waste Management, effective December 30, 2013; (17) Temporary appointment of Roger Mulvaney, Traffic Engineer Manager, Grade 120E, \$2,166.88 biweekly, Div. of Engineering, effective December 16, 2013; (18) Temporary appointment of Tracey Thurman, Director of Waste Management, Grade 121E, \$2,693.24 biweekly, Div. of Waste Management, effective December 30, 2013; (19) Unclassified civil service temporary appointment of Kevin Wente, Administrative Officer Sr., Grade 120E, \$3,033.60 bi-weekly, in the Dept. of Planning, Preservation and Development, effective January 27, 2014; (20) Termination of probationary appointment of Timothy Burton, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective November 29, 2013; and (21) Termination of probationary appointment of Gaston Tshiminyi Ngandu Sankayi, Program Specialist, Grade 112E, Dept. of Social Services, effective November 22, 2013.

\* \* \*

Ms. Mossoti announced that Ms. Betty Bias, a former council aide for the Council Office, passed away this week. She stated Ms. Bias was exceptional to work with and beloved by everyone.

\* \* \*

Ms. Gorton welcomed Mr. Gary Ginn, Fayette County Coroner, and Mr. John Cox, Deputy Coroner in the Office of the Coroner, to the meeting.

\* \* \*

Mr. Bernard McCarthy, Harry Street, spoke about the renovation of the civic center and city infrastructure.

\* \* \*

Commander John Gensheimer, Div. of Police, stated that Sergeant Jonathan Bastian had committed the offense of Inappropriate Action in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.48, in that on the 31<sup>st</sup> day of August, 2013, he initiated an investigation in the area of 215 State Street for noise and alcohol related offenses. Sergeant Bastian attempted to gain knowledge as to who owned, rented or had control over the residence at 215 State Street, to no avail. In an attempt to “bluff” the many people at the residence, Sergeant Bastian advised that if the police were unable to locate a resident, then they may consider charging everyone with trespassing. With still no response, Sergeant Bastian began placing handcuffs on nearby individuals. Shortly thereafter, Officer Jarvis Harris called for a wagon for 30-40 people and also began placing flexcuffs on people at the residence. Ultimately, everyone was let go and free to leave with two individuals being cited for offenses besides trespassing. Commander Gensheimer stated the facts of this incident did not appear to provide justification for handcuffing individuals, and that the appropriate punishment for this conduct is Thirty (30) Hours Suspension Without Pay.

Upon motion of Mr. Ellinger, seconded by Mr. Farmer, the disciplinary action was approved by unanimous vote.

\* \* \*

Commander John Gensheimer, Div. of Police, stated that Officer Derrick Wallace had committed the offense of Dereliction of Duty and Courtesy in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.09 and Section 1.07, in that on the 15<sup>th</sup> day of June, 2013 he was possibly involved in a relationship with a female inmate. The basis for this complaint was numerous recorded phone calls between the inmate, Rebecca Willis, and Officer Derrick Wallace which were made to Officer Wallace’s cell phone and recorded on the Securus phone system at the Detention Center. During a review of phone calls made by Officer Wallace, it was discovered that on June 15, 2013 and also on June 24, 2013, Officer Wallace neglected his assigned Police Recruit who was driving their Patrol vehicle Signal 9 as Officer Wallace continued his phone conversation with the inmate. Additionally, on the June 24<sup>th</sup> call when they arrived at the scene, Officer Wallace told the Recruit to go ahead and handle the call while Officer Wallace stayed in the car and continued his phone conversation. During a recorded call dated July 7, 2013, Officer Wallace can be

overhead conducting a traffic stop. At the conclusion of the stop, he appears to tell the citizen that this is a “spank on the P.P. – next time you will go to jail.” Commander Gensheimer stated the appropriate punishment for this conduct is Forty (40) Hours (One Work Week) Suspension Without Pay.

Upon motion of Mr. Kay, seconded by Mr. Myers, the disciplinary action was approved by unanimous vote.

\* \* \*  
Commander John Gensheimer, Div. of Police, stated that Officer Benjamin G. Riggs had committed the offense of At-Fault Collisions in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.40, in that on multiple occasions, he had been involved in three at-fault collisions in a twelve-month period. Details are listed as follows: **1) April 4, 2013, 1840 hours**, Officer Riggs was driving the Patrol wagon east on Waller Avenue, approaching South Limestone. Officer Riggs entered a narrow portion of the roadway and clipped a tree with his right mirror. The mirror cracked, but did not fall out of the casing. It required replacement. CR# 2013-46908. **Cause: Inattention to surroundings;** **2) May 23, 2013, 2142 hours**, Officer Riggs was attempting to change lanes after merging onto New Circle Road. There was a heavy rain this date and Officer Riggs’ vehicle hydroplaned and struck a curb. This collision caused damage to his tires and possible his brake line as fluids were leaking onto the roadway following the collision. CR#2013-74999. **Cause: Driving too fast for conditions;** and **3) October 24, 2013, 1742 hours**, Officer Riggs was backing from a parked position after leaving the scene of a call at 1980 Cambridge. While backing his cruiser, Officer Riggs struck a utility pole damaging his rear driver side bumper and tail light. CR#2013-170415. **Cause: Inattention to surroundings.** Officer Benjamin Riggs has not operated his Division-issued vehicle in a manner so as not to be at fault in collisions, resulting in three at-fault collisions within a twelve-month period, and that the appropriate punishment for this conduct is Written Reprimand, Eighty (80) Hours Loss of Take Home Fleet Privileges and Driver Retraining.

Upon motion of Mr. Farmer, seconded by Mr. Kay, the disciplinary action was approved by unanimous vote.

\* \* \*

Upon motion of Mr. Stinnett, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 6:50 p.m.

---

Clerk of the Urban County Council